UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 2062

UNITED STATES OF AMERICA,	)	Magistrate Case No.________
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF
v.	)	
	)	
Andres CENTENO	)	Title 8, U.S.C., Section
	)	1324(a)(2)(B)(iii)-
Defendant.	)	Bringing in Illegal Alien(s)
	)	Without Presentation
	)	
________________________________	)	

The undersigned complainant being duly sworn states:

On or about July 6, 2008, within the Southern District of California, defendant **Andres CENTENO**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien namely, **Macario ECHEVERRIA-Ramirez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **7th** DAY OF **July, 2008**.

UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

The complainant states that **Macario ECHEVERRIA-Ramirez** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 6, 2008 at approximately 1410 hours **Andres CENTENO (Defendant),** applied for admission to the United States via the vehicle primary lanes at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a 1996 Chevrolet Silverado. Defendant presented a California driver license and an Armed Forces identification bearing his name and photograph. Defendant stated he was going to Los Angeles, California and had nothing to declare from Mexico. Customs and Border Protection (CBP) Officer received a computer generated referral and escorted the vehicle and Defendant to secondary for further inspection.

In secondary a CBP officer conducted a search of the interior of the vehicle. The CBP Officer pulled the rear seat backrest down and discovered a male concealed beneath the seat. CBP Officers assisted the male in exiting the concealed location by pulling the back seat forward. The concealed male was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Macario ECHEVERRIA-Ramirez (Material Witness)**.

During a videotaped interview, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant admitted he was aware there was a person concealed beneath the seat. Defendant admitted that he agreed to smuggle the male into the United States as a favor. Defendant stated he did not know where he was to bring the male, but admitted he was to receive instructions once inside of the United States via a cell phone. Defendant admitted he was aware it is illegal to bring people into the United States in this manner.

During a videotaped interview Material Witness admitted he is a citizen of Mexico without documentation to enter the United States. Material Witness stated he made arrangements to be smuggled into the United States and was going to reimburse Defendant, who he identified as his distant cousin, for his expenses after he successfully entered the United States. Material Witness stated he was returning home to Fresno, California.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and ~~Border Protection~~ Enforcement Officer

UNITED STATES MAGISTRATE JUDGE